

## **Meeting Minutes**

### **Plan & Zoning Commission Meeting**

Tuesday, July 3, 2018

Ankeny City Hall – City Council Chambers

410 W. First Street, Ankeny, Iowa

#### **CALL TO ORDER**

Vice Chair C.Ender called the July 3, 2018 meeting of the Plan & Zoning Commission to order at 6:30 pm.

#### **ROLL CALL**

Members present: L.West, C.Ender, G.Hunter, T.Flack, S.Odson. L.Anderson and A.Renaud. Absent: T.Ripper Staff present: E.Carstens, D.Gervais, D.Silverthorn, B.Fuglsang

#### **AMENDMENTS TO THE AGENDA**

Motion by T.Flack to approve and accept the July 3, 2018 agenda without amendments. Second by G.Hunter. All voted aye. Motion carried 7 – 0.

#### **COMMUNICATIONS**

There were no communications.

#### **CITIZEN'S REQUEST**

There were no requests.

#### **CONSENT AGENDA ITEMS**

##### **Item #1. Minutes**

Motion to approve and accept the June 5, 2018 minutes of the Plan and Zoning Commission meeting.

##### **Item #2. 2135 SE Delaware Avenue - Target Elevations**

Motion to approve the elevations for the Target Store signage and facade improvements at 2135 SE Delaware Avenue.

##### **Item #3. 5910 SE Rio Circle - Corporate Woods Industrial Park Plat 2, Lot 1-Parking Addition Site Plan**

Motion to approve the Corporate Woods Industrial Park Plat 2, Lot 1 - Parking Addition Site Plan at 5910 SE Rio Circle subject to City Council approval and recordation of the storm water management facility easement document.

Referencing Item #2, L.West asked if the monument sign would be changing. D.Gervais stated they did not make any note of the sign changing.

Referencing Item #3, S.Odson asked if the building is a spec building. E.Carstens stated originally it was but they now have a user, which is why they are requesting the parking addition.

Motion by T.Flack to approve the recommendations for Consent Agenda Item(s) #1 - #3. Second by G.Hunter. All voted aye. Motion carried 7 – 0.

#### **PUBLIC HEARINGS**

##### **ITEM #4. DRA Properties, LC requests to rezone property from C-2, General Retail, Highway-Oriented and Central Business Commercial District to R-3, Multiple-Family Residence District.**

D.Silverthorn reported DRA Properties, LC, is requesting to rezone property from C-2, General Retail, Highway-Oriented, and Central Business Commercial District, to R-3, Multiple-Family Residence District. He stated the subject property is approximately 0.151 acres, located northeast of the intersection at NE Grant St and NE Oak Dr. The properties to the north and west are zoned C-2, General Retail, Highway-Oriented, and Central Business Commercial District and the properties to the east and south are zoned R-3, Multiple Family-Residence District, restricted to single-family residential. He shared that the Ankeny Comprehensive Plan indicates the subject area as Medium-Density Residential; therefore, the proposed rezoning is

consistent with the Future Land Use Map. He presented the Future Land Use Map that showed the surrounding properties to the west are indicated as Neighborhood Mixed-Use; properties to the north are indicated as Medium-Density Residential; and properties to the east and south are indicated as Low-Density Residential. D.Silverthorn stated the conditions warranting the proposed rezoning are set forth in Chapter 191.13 of the Ankeny Municipal Code, which reads: *"Where one parcel of property is divided into two or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in its respective zoning classification and, for the purpose of applying the regulations of this Zoning Ordinance, each portion shall be considered as if in separate and different ownership."* He stated to remove the zoning district line acting as a property line through lot 25, Briarwood South Plat 7, the developer proposes R-3 zoning for the portion of lot 25 currently zoned C-2. This will allow lot 25 to be developed entirely under R-3 zoning district regulations. He shared the developer has submitted the required rezoning petitions, notifications of the public hearing were sent to the property owners within 250' of the property and a legal notice was published.

D.Silverthorn explained that the Zoning Ordinance also requires that the applicant of a proposed rezoning post public notification signage no less than seven days on the property to inform the public of the proposed change, as well as the time and place of the public hearing. He stated the applicant posted the signage six days prior to the public hearing rather than the seven days outlined in the Zoning Ordinance. D.Silverthorn then presented the signage exhibit and shared with the Commission that the date of the public hearing was also listed incorrectly on the sign, which was in part a fault of City staff who provided some conflicting information about the public hearing date to the applicant. He stated as of the writing of the staff report, the posted sign does not indicate the correct date of the public hearing. He shared that all the notices to the property owners within the 250' that were sent out did reflect the correct date. He said one thing to consider is that the intended use of the property, construction of a single-family house, is an allowed use in both the C-2 and R-3 districts, and the proposed rezoning is a "down zoning" to the more restricted zoning classification. He explained that the purpose of the rezoning is due to the zoning boundary acting as a property line per the Zoning Ordinance, making it currently impossible to build a house on the property. D.Silverthorn stated if the Commission believes this error negatively impacted the public notification intended by the Zoning Ordinance, they could choose to continue the public hearing and have the applicant update the sign to notify of an additional public hearing on July 17, 2018. If the Commission feels the notice sent to adjacent property owners and notice in the paper was adequate notification for what staff feels is a non-controversial rezoning request, the Commission can choose to close the public hearing. Staff will present a complete staff report at the next Plan and Zoning Commission meeting on July 17, 2018.

S.Odson asked for clarification on the zoning request since on C-2 you are allowed to build a single-family house. D.Silverthorn reviewed Chapter 191.13 of the Ankeny Municipal Code explaining that the zoning district line acts as a property line.

C.Ender stated if the properties to the east are restricted to single-family homes then was the restriction in the form of a development agreement? C.Ender then asked if the lots are restricted by development agreement, for consistency, do we need to have a development agreement for this rezoning. E.Carstens explained that there is no development agreement so it would have been a restriction in the zoning ordinance itself. He stated the zoning map does not reflect that they are restricted to single family but obviously, they are all built as single family and the lot that remains is intended for single family.

Brent Culp, Snyder & Associates, 2727 SW Snyder Boulevard, Ankeny representing DRA Properties, LC. He stated this is a remnant piece of property. He explained that when they platted Northpointe Village Center Plat 1 in 2004, it was part of Lot 8. He stated due to past platting and subsequent ownerships, this property ended up being split into two zoning districts and is not developable under the current circumstance. He stated they would like to rezone the property so a single family home could be built on the lot.

There was no one in the audience to speak for or against the request.

L.Anderson stated normally in a situation where there is going to be a much larger plat or something other than a single-family residential, he might have had an issue with the posting of the signage and the public hearing date. He stated he agrees that it is not a controversial rezoning. He shared that normally he would be the first one to say that there is a need to postpone the public hearing but commented with tonight's request he does not feel the Commission should. T.Flack stated she agrees with L.Anderson.

Motion by G.Hunter to close the public hearing, and receive and file documents. Second by L.Anderson. All voted aye. Motion carried 7 – 0.

#### **BUSINESS ITEMS**

There were no business items.

#### **REPORTS**

##### **City Council Meeting**

L.Anderson reported on his attendance at the July 2, 2018, City Council meeting.

##### **Director's Report**

E.Carstens presented the tentative agenda items for the July 17, 2018 Plan and Zoning Commission meeting.

L.West asked if staff knows when they anticipate starting Elementary 11. E.Carstens stated staff is currently reviewing the site plans. D.Gervais stated they would like it to open June 2020. Their plan is to send it out to bid at the end of July. L.West then asked if staff has seen any information on additions to the high schools. E.Carstens stated no.

##### **Commissioner's Reports**

T.Flack stated that she sits on the Water Trails Steering Committee and would encourage everyone to visit the Des Moines Area MPO website and look at the Water Trails and Greenways Master Plan. She commented that the City of Johnston has taken action and is moving forward on an access point at 86<sup>th</sup> and NW 70<sup>th</sup>. She shared that the project encompasses every community and there is some solid plans in place.

#### **MISCELLANEOUS ITEMS**

July 16, 2018 – 5:30 p.m. City Council Meeting Representative: Staff

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 6:48 p.m.



Submitted by Brenda Fuglsang, Secretary  
Plan & Zoning Commission